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Attorneys for Defendants,

CITY OF DESERT HOT SPRINGS, erroneously sued as CITY OF DESERT HOT SPRINGS, CALIFORNIA, a municipal corporation; and TUAN-ANH VU, erroneously sued as TUAN ANH VU an individual, in his investigative and administrative capacity

**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH MINER, an individual,  
  
Plaintiff,

v.

CITY OF DESERT HOT SPRINGS,  
CALIFORNIA, a municipal  
corporation; TUAN ANH VU, an  
individual, in his investigative and  
administrative capacity; PRESIDING  
JUDGE RIVERSIDE COUNTY  
SUPERIOR COURT, Judith Clark in  
her official, executive and  
administrative capacity; CHIEF  
EXECUTIVE OFFICER RIVERSIDE  
COUNTY SUPERIOR COURT, Jason  
Galkin, in his official, executive and  
administrative capacity; DOE  
DEFENDANTS 1-20,  
  
Defendants.

Case No. 8:24-cv-02793-MCS-E  
Related Case No: 8:22-cv-01043-CAS-MAA

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT; DECLARATION OF  
BRENDAN J. COUGHLIN IN SUPPORT  
OF REQUEST FOR JUDICIAL NOTICE;  
(PROPOSED) ORDER**

Date: April 21, 2025  
Time: 9:00 a.m.  
Courtroom: 7C

Complaint Filed: December 23, 2024  
Assigned To: Hon. Mark C. Scarsi

Defendants, TUAN-ANH VU (“Individual Defendant”), and CITY OF DESERT HOT SPRINGS, (the “City”) (collectively the “Defendants”), hereby request that the Court, in considering the Defendants’ Motion to Dismiss to the First Amended Complaint of Plaintiff, JOSEPH MINER, take judicial notice of the following matters, pursuant to *Federal Rule of Evidence* 201:

- 1) The case report of Plaintiff’s state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. CVPS2106001, a true and correct copy of which is attached hereto as **Exhibit 1**.
- 2) The October 20, 2022, Judgment of Dismissal in *Joseph Miner v. City of Desert Hot Springs*, Superior Court, County of Riverside – Case No. CVPS2106001, a true and correct copy of which is attached hereto as **Exhibit 2**.
- 3) The December 7, 2022, Declaration by Plaintiff/Petitioner Joseph Miner filed in the Appellate Division of the Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case Nos. APRI2200098 and APRI2200109, a true and correct copy of which is attached hereto as **Exhibit 3**.
- 4) The Notice of Appeal of Civil Citation #27948D in Plaintiff’s state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. CVPS2106001, a true and correct copy of which is attached hereto as **Exhibit 4**.
- 5) The Second Amended Complaint, the operative complaint in United States District Court for Case No. 8:22-cv-01043-CAS-MAA, a true and correct copy of which is attached hereto as **Exhibit 5**.
- 6) The March 27, 2023, Civil Minute Order in Plaintiff’s federal court matter filed in the United States District Court, Central District of California, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. 8:22-cv-01043-CAS-MAA, a true and correct copy of which is attached hereto as **Exhibit 6**.

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7) The November 13, 2023, Remittitur and Per Curiam Opinion issued in the Appellate Division of the Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. APRI2300007, a true and correct copy of which is attached hereto as **Exhibit 7**.

8) The November 9, 2023, Remittitur and Per Curiam Opinion issued in the Appellate Division of the Superior Court, County of Riverside, entitled, *Joseph Miner v. City of Desert Hot Springs*, Case Nos. APRI2200098 and APRI2200109, a true and correct copy of which is attached hereto as **Exhibit 8**.

Rule 201(b) states: “The court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” The Advisory Committee Notes discuss Rule 201 in detail, stating:

This rule is consistent with Uniform Rule 9(1) and (2) which limit judicial notice of facts to those “so universally known that they cannot reasonably be the subject of dispute,” those “so generally known or of such common notoriety within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute,” and those “capable of immediate and accurate determination by resort to easily accessible sources of indisputable accuracy.” The traditional textbook treatment has included these general categories (matters of common knowledge, facts capable of verification), [Citation] and then has passed on into detailed treatment of such specific topics as facts relating to the personnel and records of the court, [Citation] and other governmental facts.

Fed. R. Evid. 201.

Although a district court generally may not consider any material beyond the pleadings in ruling on a Rule 12(b)(6) motion, the Court may take judicial notice of documents referenced in the complaint, as well as matters in the public record, without converting a motion to dismiss into one for summary judgment. [Citation.] In addition, the Court may take judicial notice of matters that are either “generally known within the trial court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

Public records, including judgments and other court documents, are proper subjects of judicial notice.

*Bay Area Surgical Mgmt. LLC v. Aetna Life Ins. Co.*, 166 F.Supp.3d 988, 993 (N.D. Cal. 2015). Rule 201 permits courts to take judicial notice of “matters of public record,” as long as the facts are “not subject to reasonable dispute.” *Intri-Plex Techs., Inc. v. Crest Group Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007), internal citations and quotations omitted.

“Courts can take judicial notice of pleadings and court orders that are matters of public record.” *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986). For instance, in *Kent v. DaimlerChrysler Corp.*, 200 F.Supp.2d 1208 (N.D. Cal. 2002), the court concluded it could take judicial notice of legal decisions and a legal memorandum filed in state court action that were of public record.

These authorities provide that this Court shall take judicial notice of filings in Plaintiff’s state and federal court actions that are relevant to this matter. As discussed in the Motion to Dismiss’ Memorandum of Points and Authorities, Plaintiff had two appeals in the state court’s appellate division based on the civil citations at issue in the current federal matter, as well as another federal case, United States District Court for Case No. 8:22-cv-01043-CAS-MAA.

Defendants, TUAN ANH-VU and CITY OF DESERT HOT SPRINGS, therefore request that the Court, in considering the Defendants’ Motion to Dismiss the First Amended Complaint of Plaintiff, JOSEPH MINER, take judicial notice of the Plaintiff’s

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related and duplicative federal and state court actions.

DATED: March 12, 2025

**GRAVES & KING LLP**

BY: /s/  
BRENDAN J. COUGHLIN  
Attorneys for Defendants  
TUAN ANH-VU and  
CITY OF DESERT HOT SPRINGS

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**DECLARATION OF BRENDAN J. COUGHLIN**

I, Brendan J. Coughlin, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California and the United States of America – Central District Court of California. I am a member of the firm of Graves & King LLP, attorneys of record for Defendants, TUAN-ANH VU and CITY OF DESERT HOT SPRINGS (the “DEFENDANTS”) in this case. The following is based upon my personal knowledge, and if called upon to testify thereto, I could and would competently do so.

2. Attached to this Request for Judicial Notice in Support of the DEFENDANTS’ Motion to Dismiss Plaintiff’s First Amended Complaint as **Exhibit 1** is a true and correct copy of the case report of Plaintiff’s state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. CVPS2106001.

3. Attached to this Request for Judicial Notice in Support of the DEFENDANTS’ Motion to Dismiss Plaintiff’s First Amended Complaint as **Exhibit 2** is a true and correct copy of the October 20, 2022, Judgment of Dismissal in *Joseph Miner v. City of Desert Hot Springs*, Superior Court, County of Riverside, Case No. CVPS2106001.

4. Attached to this Request for Judicial Notice in Support of the DEFENDANTS’ Motion to Dismiss Plaintiff’s First Amended Complaint as **Exhibit 3** is a true and correct copy of the declaration filed in the Appellate Division of Superior Court, County of Riverside, entitled *Joseph Miner v. Riverside Superior Court*, Case Nos. APRI2200090 and APRI2200109.

5. Attached to this Request for Judicial Notice in Support of DEFENDANTS’ Motion to Dismiss Plaintiff’s First Amended Complaint as **Exhibit 4** is a true and correct copy of the Notice of Appeal of Civil Citation #27948D in Plaintiff’s state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. CVPS2106001.

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6. Attached to this Request for Judicial Notice in Support of the DEFENDANTS' Motion to Dismiss Plaintiff's First Amended Complaint as **Exhibit 5** is a true and correct copy of the Notice of Appeal of Civil Citation #27948D in Plaintiff's state court matter, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. APRI2200098.

7. Attached to this Request for Judicial Notice in Support of the DEFENDANTS' Motion to Dismiss Plaintiff's First Amended Complaint as **Exhibit 6** is a true and correct copy of case report of the Civil Minute Order issued in Plaintiff's federal court matter filed in the United States District Court, Central District of California, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. 8:22-cv-01043-CAS-MAA.

8. Attached to this Request for Judicial Notice in Support of the DEFENDANTS' Motion to Dismiss Plaintiff's First Amended Complaint as **Exhibit 7** is a true and correct copy of the November 13, 2023, Remittitur issued in the Appellate Division of the Superior Court, County of Riverside, entitled *Joseph Miner v. City of Desert Hot Springs*, Case No. APRI2300007.

9. Attached to this Request for Judicial Notice in Support of the DEFENDANTS' Motion to Dismiss Plaintiff's Second Amended Complaint as **Exhibit 8** is a true and correct copy of the November 9, 2023, Remittitur issued in the Appellate Division of the Superior Court, County of Riverside, entitled, *Joseph Miner v. City of Desert Hot Springs*, Case Nos. APRI2200098 and APRI2200109.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on March 12, 2025, at Riverside, California.

/s/  
BRENDAN J. COUGHLIN  
Declarant



**(PROPOSED ORDER) ON REQUEST FOR JUDICIAL NOTICE**

On April 21, 2025, the Court heard the Request for Judicial Notice filed by the Defendants, TUAN-ANH VU (“Individual Defendant”), and CITY OF DESERT HOT SPRINGS, (the “City”) (collectively the “Defendants”), in support of the Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint. After considering the moving, opposition and reply papers, the oral argument of the parties, and all other matters presented to the Court and of which the Court may take notice,

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED BY THE COURT AS FOLLOWS:

REQUEST FOR JUDICIAL NOTICE	RULING
<b>Exhibit 1</b> is a true and correct copy of the case report of Plaintiff’s state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled <i>Joseph Miner v. City of Desert Hot Springs</i> , Case No. CVPS2106001.	<input type="checkbox"/> Request for Judicial Notice DENIED <input type="checkbox"/> Request for Judicial Notice GRANTED
<b>Exhibit 2</b> is a true and correct copy of the October 20, 2022, Judgment of Dismissal in <i>Joseph Miner v. City of Desert Hot Springs, Superior Court, County of Riverside</i> , Case No. CVPS2106001.	<input type="checkbox"/> Request for Judicial Notice DENIED <input type="checkbox"/> Request for Judicial Notice GRANTED



<p><b>Exhibit 3</b> is a true and correct copy of the December 7, 2022, Declaration by Plaintiff/Petitioner Joseph Miner filed in the Appellate Division of the Superior Court, County of Riverside, entitled <i>Joseph Miner v. City of Desert Hot Springs</i>, Case Nos. APRI2200098 and APRI2200109.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>
<p><b>Exhibit 4</b> is a true and correct copy of the Notice of Appeal of Civil Citation #27948D in Plaintiff's state court matter filed on December 6, 2021, in Superior Court, County of Riverside, entitled <i>Joseph Miner v. City of Desert Hot Springs</i>, Case No. CVPS2106001.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>
<p><b>Exhibit 5</b> is a true and correct copy of the Plaintiff's Second Amended Complaint filed on December 19, 2022, in Plaintiff's federal court matter filed in the United States District Court, Central District of California, entitled <i>Joseph Miner v. City of Desert Hot Springs</i>, Case No. 8:22-cv-01043-CAS-MAA.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>
<p><b>Exhibit 6</b> is a true and correct copy of the March 27, 2023, Civil Minute Order in Plaintiff's federal court matter filed in the United States District Court, Central District of California, entitled <i>Joseph Miner v. City of Desert Hot Springs</i>, Case No. 8:22-cv-01043-CAS-MAA.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>

<p><b>Exhibit 7</b> is a true and correct copy of the November 13, 2023, Remittitur issued in the Appellate Division of the Superior Court, County of Riverside, entitled <i>Joseph Miner v. City of Desert Hot Springs</i>, Case No. APRI2300007.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>
<p><b>Exhibit 8</b> is a true and correct copy of the November 9, 2023, Remittitur issued in the Appellate Division of the Superior Court, County of Riverside, entitled, <i>Joseph Miner v. City of Desert Hot Springs</i>, Case Nos. APRI2200098 and APRI2200109.</p>	<p><input type="checkbox"/> Request for Judicial Notice DENIED</p> <p><input type="checkbox"/> Request for Judicial Notice GRANTED</p>

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Hon. Mark C. Scarsi, District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2025, I electronically filed the foregoing **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT; DECLARATION OF BRENDAN J. COUGHLIN IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE; (PROPOSED) ORDER**, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the ECF registrants at the email addresses indicated on the attached below:

Joseph Miner P.O. Box 11650 Costa Mesa, CA 92627 Telephone: (949) 903-5051 Email: <a href="mailto:josephminer@gmail.com">josephminer@gmail.com</a> In Pro Se, JOSEPH MINER	
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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 12, 2025, at Riverside, California.

\_\_\_\_\_  
/s/  
Caroline M. Lyons  
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